

UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

UNITED STATES OF AMERICA,
Plaintiff

v.

DAVID MICHAEL NAVARRO,
Defendant.

NO. *MJ13-5185*

COMPLAINT FOR VIOLATION

18 U.S.C. §§ 2251(a), 2252(a)(2),
2252(a)(4)(B)

BEFORE, The Honorable Karen L. Strombom, United States Magistrate Judge, U.S.
Courthouse, Tacoma, Washington.

COUNT 1
(Production of Child Pornography)

Beginning on a date unknown, and continuing through no later than August 23,
2013, at Mason County, within the Western District of Washington, and elsewhere,
DAVID MICHAEL NAVARRO did knowingly employ, use, persuade, induce, entice,
and coerce a minor to engage in sexually explicit conduct for the purpose of producing a
visual depiction of such conduct, using materials that had been mailed, shipped, and
transported in and affecting interstate and foreign commerce by any means, including by
computer, and the visual depiction was transported using any means and facility of
interstate and foreign commerce.

All in violation of Title 18, United States Code, Sections 2251(a) and (e).

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UNITED STATES ATTORNEY
1201 PACIFIC AVENUE, SUITE 700
TACOMA, WASHINGTON 98402
(253) 428-3800

COUNT 2
(Receipt and Distribution of Child Pornography)

Beginning on a date unknown, and continuing through no later than August 23, 2013, at Mason County, within the Western District of Washington, and elsewhere, DAVID MICHAEL NAVARRO did knowingly receive and distribute, and attempt to receive and distribute, visual depictions the production of which involved the use of minors engaging in sexually explicit conduct, and the visual depictions were of such conduct, using any means and facility of interstate and foreign commerce and which images had been mailed and shipped and transported in and affecting interstate and foreign commerce by any means, including by computer.

All in violation of Title 18, United States Code, Section 2252(a)(2) and (b)(1).

COUNT 3
(Possession of Child Pornography)

Beginning on a date unknown, and continuing until on or about August 23, 2013, at Mason County, within the Western District of Washington, and elsewhere, DAVID MICHAEL NAVARRO did knowingly possess matter that contained visual depictions the production of which involved the use of minors and prepubescent minors and minors who had not yet attained twelve years of age engaging in sexually explicit conduct, and the visual depictions were of such conduct, that had been mailed and shipped and transported using any means or facility of interstate or foreign commerce and in and affecting interstate and foreign commerce, and which had been produced using materials that had been mailed and shipped and transported in and affecting interstate and foreign commerce by any means, including by computer

All in violation of Title 18, United States Code, Section 2252(a)(4)(B) and (b)(2).

And the Complainant states that this Complaint is based on the following information:

INTRODUCTION AND AGENT BACKGROUND

1. I am a Special Agent (SA) with the Federal Bureau of Investigation (FBI), and have been so employed since August 2012. I am currently assigned to the Seattle Division/Tacoma Resident Agency. I completed twenty-one weeks of training at the FBI academy, including legal, computer related crimes and investigative techniques. Prior to being a Special Agent, I was a prosecutor in the State of California for four years and gained training and experience in preparing and reviewing search warrants. During the course of this investigation, I have consulted with FBI SA Scott Saxon. SA Saxon has been employed by the FBI for 23 years, and has participated in numerous investigations into violations of the child pornography laws as set forth in 18 U.S.C. §§ 2251, 2252, and 2252A.

2. The facts set forth in this Affidavit are based on the following: my own personal knowledge; knowledge obtained from other individuals during my participation in this investigation, including SA Saxon and other law enforcement officers; interviews of witnesses; my review of records related to this investigation; communications with others who have knowledge of the events and circumstances described herein; and information gained through my training and experience. Because this Affidavit is submitted for the limited purpose of establishing probable cause, it does not set forth each and every fact that I or others have learned during the course of this investigation. I have set forth only the facts that I believe are relevant to the determination of probable cause to believe that DAVID MICHAEL NAVARRO has committed violations of Title 18, United States Code, Sections 2251(a) (Production of Child Pornography), 2252(a)(2) (Receipt and Distribution of Child Pornography) and 2252(a)(4)(B) (Possession of Child Pornography).

SUMMARY OF INVESTIGATION

3. Police agencies in the United States and in other countries investigate the production, distribution and manufacture of child pornography. These investigations

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UNITED STATES ATTORNEY
1201 PACIFIC AVENUE, SUITE 700
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1 include locating child pornography residing on websites that are known to be used to
2 trade child pornography. During June and July of 2013, a large number of files of
3 suspected child pornography were downloaded from the Internet by the Queensland
4 (Australia) Police for further analysis. Six of those files were videos that appeared to
5 relate to a child victim referred to in two of the file titles as "Gina." These six video files
6 were titled as follows: "Gina 7yo.mp4," "Gina sucking ff at school.MOV,"
7 "MVI_1857.AVI," "MVI_1858.AVI," "MVI_1857.mp4," and MVI_1860.mp4. These
8 videos were described by the Australian investigator as depicting a young Hispanic girl
9 (hereinafter the "child victim") in different indoor settings. According to the investigator,
10 the penis and hands of an adult male can be seen masturbating himself, placing his penis
11 in the child victim's mouth, and then ejaculating on her face. The child victim can also
12 be seen viewing child pornography on an Apple MacBook computer before undressing
13 and performing oral sex on the male.

12 4. Independently, an investigator with the Danish National Police downloaded
13 three videos containing child pornography from a website known by law enforcement to
14 be associated with the sharing and distribution of child pornography. One of those video
15 files was titled "Gina Sucking ff at school.mov." The Danish investigator determined the
16 video's EXIF data contained the GPS coordinates of the approximate location where the
17 video was produced, and the approximate date of its production. The GPS coordinates
18 identified the Belfair Elementary School, 22744 Washington 3, Belfair, Washington; the
19 video was recorded on an iPhone 5 in May 2013. The Danish investigator found an
20 additional "Gina" video on what appears to be this same website that depicts the child
21 victim watching another video of child pornography, from the identified "Kait" series, on
22 a computer screen. The Danish investigator further determined that the child victim's
23 name is "Gina," that she is eight years old, that she purportedly has been abused by her
24 uncle since she was four years old, and that the location of the abuse was the "brother's
25 house." This information from the Danish investigator was reported on August 19, 2013,

1 on an Interpol Specialist Working Group site and shared with other law enforcement
2 agencies around the world investigating child pornography.

3 5. Upon learning of the information about "Gina" from the Danish
4 investigator, the Australian investigator reviewed his six downloaded videos again and
5 confirmed the EXIF data contained GPS coordinates that identified the approximate
6 location where the videos were made. His EXIF data analysis suggested the video file
7 "Gina Sucking ff at school.MOV" was produced at a GPS location that corresponded to
8 the Belfair Elementary School in Belfair, Washington. Metadata was located in the video
9 file "Gina 7yo.mp4" which suggested the file was produced at a GPS location
10 corresponding to a residential address of in San Diego, California. The full address in
11 San Diego is known to me, but is not included for purposes of this Affidavit. Open
12 source research conducted by the Australian investigator suggested a link between the
13 San Diego address and Belfair, Washington in that an individual named DAVID M.
14 NAVARRO was a prior occupant of the address in San Diego, California and was linked
15 to a residence in Belfair, Washington, as described in Paragraph 7, below.

16 6. The investigation in Australia also located an email address of
17 "dpbluc17@yahoo.com," believed to be related to NAVARRO. This email address was
18 linked to an account on a website known by law enforcement to be used to post images
19 and videos of child pornography. Images uploaded to that website under an account with
20 the user name "dbpluc17" depicted a number of young girls, including one who appears
21 to be "Gina."

22 7. A check of FBI investigative records revealed a reference to the email
23 address "dpbluc17@yahoo.com." In February 2012, an FBI investigation found four
24 email messages sent between "dpbluc17@yhao.com" and another user. These messages
25 did not contain any images or videos of child pornography, but did contain one image of
a child. In or about February 2012, a subpoena was sent to Yahoo for the subscriber

1 records associated with the "dpbluc17@yahoo.com" email account. In response to the
2 subpoena, Yahoo provided an associated Internet protocol (IP) address, 24.113.200.67, a
3 subscriber name of an individual with the initials R.D.G. III, an address on NE Old
4 Belfair Highway, Belfair, Washington, and a telephone number of 360-***-****. The
5 full subscriber name, address, and telephone number are known to me, but have been
6 redacted for purposes of this Affidavit. Based on SA Saxon's investigation, the address
7 on NE Old Belfair Highway appears to be that of NAVARRO's in-laws (hereinafter
8 referred to as "NAVARRO's in-laws' address"). Yahoo also provided information about
9 two secondary email accounts associated with the "dpbluc17@yahoo.com" email address
10 of "navarro4642@sbcglobal.net" and "holister81@sbcglobal.net."

11 8. The National Center for Missing and Exploited Children (NCMEC) had
12 also found the "Gina" videos on the Internet and was working to identify the child victim.
13 NCMEC described the child victim in the "Gina" videos as a prepubescent Hispanic
14 female, based on her physical characteristics. NCMEC was then made aware of the
15 Danish National Police information concerning the "Gina" videos and NCMEC analysts
16 reviewed the videos identified by the Danish police officer.

17 9. Analysts with NCMEC independently studied the "Gina" videos identified
18 by the Danish National Police and the associated EXIF data for the video titled "Gina
19 Sucking ff at school.MOV." EXIF data from the video provided the GPS coordinates
20 embedded in the video at the time it was made as "+47.4394-122.8345+030.641." This
21 information was listed as "Location ISO6709." The NCMEC analyst searched Google
22 maps for that location and found a related URL that represented latitude, longitude and
23 altitude. These coordinates were entered into Google Maps, and an address range of
24 22748-22822 Washington 3, Belfair, Washington 98528 was obtained. This address was
25 similar to the address found by the Danish officer, described above in Paragraph 4.

1 10. Because the file name indicated the video may have been produced at a
2 school, and because the GPS coordinates appeared to resolve to a school building,
3 another Google search was conducted by NCMEC analysts and four different schools in
4 the Belfair area were found. Each school name was searched by the analyst and it was
5 determined the Belfair Elementary School has an address of 22900 NE State Route 3,
6 Belfair, Washington. State Route 3 and "Washington 3" appear to be the same road with
7 just a different naming convention. The street number 22900 fell just outside the range of
8 the address range provided by Google Maps.

9 11. NCMEC analysts also studied other videos in the "Gina" series. According
10 to the metadata in these videos, they were created in June and July of 2013 but the
11 camera type could not be identified and no GPS information was found to identify the
12 location where the videos were created.

13 12. A review of an image-sharing web site believed to be hosted in a foreign
14 country, and known by law enforcement to be used by individuals who post and trade
15 child pornography, revealed an account with the user name "dpbluc17." In that account
16 were 14 images of two prepubescent females. These images were provided for SA Saxon
17 to review. Three of the images were of a young, Hispanic female who appeared to be the
18 same child victim in the videos from the "Gina" series.

19 13. DAVID M. NAVARRO was located in the Washington State Department
20 of Licensing (WSDOL) records and fully identified as DAVID MICHAEL NAVARRO,
21 with a date of birth in 1975, residing at NAVARRO's in-laws' address. NAVARRO's
22 full date of birth is known to me but is not included for purposes of this Affidavit.
23 According to the WSDOL records, NAVARRO has a 2008 Chevrolet, bearing
24 Washington License AGD0895, registered at NAVARRO's in-laws' address. The
25 vehicle was also registered in the name of an individual with the initials N.R.N. N.R.N.'s
full name is known to me, but is not included for purposes of this Affidavit. The

1 California Department of Motor Vehicles was also queried and a DAVID MICHAEL
2 NAVARRO with the same date of birth was located, with the address in San Diego,
3 California, referred to above in Paragraph 5.

4 14. A criminal history check was conducted for DAVID MICHAEL
5 NAVARRO, which revealed an arrest on May 3, 2009 by the San Diego County Sheriff's
6 Office. NAVARRO was charged with Lewd or Lascivious Acts with a Child under 14
7 and Indecent Exposure, but both charges were dismissed for lack of sufficient evidence.

8 15. A Facebook page for DAVID NAVARRO was found, named "N.-
9 DAVID." The initial "N." is the first name of the individual referred to in Paragraph 13,
10 above. A "profile photo" was available for viewing on Facebook, and it depicted five
11 children, two Hispanic boys, two Hispanic girls, and one Caucasian girl, all wearing
12 matching shirts. One of the Hispanic girls, whose face is visible in the photograph,
13 closely resembles the child victim in the "Gina" series of child pornography videos.
14 Another photo on the "N.-DAVID" Facebook page depicts a number of children standing
15 in front of a mummy display. A young Hispanic girl is visible among the children. This
16 young Hispanic girl closely resembles the Hispanic girl in the photograph of the children
17 wearing matching shirts, and again resembles the child victim in the "Gina" series of
18 child pornography videos. SA Saxon believes that this young Hispanic girl is "Gina."

19 16. SA Saxon reviewed screen shots from the video titled "Gina Sucking ff at
20 school.MOV," described above in Paragraphs 4 and 5 above as containing GPS
21 coordinates that resolved to the location of the Belfair Elementary School. SA Saxon
22 observed a young Hispanic girl (the "child victim") on the floor in front of an adult
23 male's uncircumcised penis, performing oral sex. The child victim was on brown carpet,
24 which transitioned into brown-and-white checkered one-inch tiles. The child victim was
25 wearing a tank top and a skirt or dress that had red and black horizontal stripes, bows or
ruffles on the front buttons, and a solid dark bottom. A shoe or sandal with a white sole

1 was also visible. The male's uncircumcised penis appeared to be extended from his
2 unzipped jeans with brown underwear with a small pattern visible.

3 17. SA Saxon also viewed screen shots taken from the video
4 "MVI_1860.mp4," and saw the same child victim sitting naked on a toilet wearing only a
5 black bracelet. The floor was gold in color with a square pattern, and a heater vent with
6 some rust spots could be seen. In the video, the child victim performed oral sex on a
7 male's uncircumcised penis. The male ejaculated on the child victim's face.

8 18. SA Saxon viewed screen shots taken from the video "MVI_1858.avi" and
9 saw the same child victim sitting on a blue bedspread or blanket with another blue
10 blanket with a white swirl pattern nearby. The child victim was wearing blue jeans with
11 stitching or a pattern sewn on the back pocket and a dark blue shirt with white trim and
12 an exposed white shirt with a collar and buttons. The child victim was viewing child
13 pornography on a laptop computer that had a light base and dark keyboard. The child
14 victim viewed the child pornography and then undressed, exposing her white underpants
15 with pink trim before taking off all her clothing. The child victim then pulled down an
16 adult male's pants and performed oral sex on the male's uncircumcised erect penis.

17 19. SA Saxon viewed screen shots taken from the video "MVI_1857.avi" and
18 saw a girl who is similar in appearance to the child victim kneeling face down on a blue
19 bedspread or blanket. The child victim was wearing only a red or pink bracelet or hair tie
20 on her wrist. The book "Where the Wild Things Are," by Maurice Sendak, was on the
21 bed next to her. An adult male was standing behind the child victim. The child victim
22 spread her buttocks while the adult male masturbated his uncircumcised erect penis
23 against her, eventually ejaculating on the child victim's back.

24 20. SA Saxon reviewed the videos described above in Paragraphs 17-19
25 because NCMEC analysis of the EXIF data revealed that "MVI_1858.mp4" was created
on June 13, 2013, and "MVI_1860.mp4" was created on July 6, 2013. It is possible the
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1 other MVI videos referred to above in Paragraph 3 were created near the same time at the
2 same place.

3 21. On August 22, 2013, Mason County Detective Luther Pitman showed a
4 sanitized screen shot from the "MVI_1858.avi" video, described above in Paragraph 18,
5 to Belfair Elementary School counselor Melissa Monaghan. Ms. Monaghan recognized
6 the child victim as a girl with the initials V.N., who is a student at Belfair Elementary
7 School. According to Ms. Monaghan, DAVID MICHAEL NAVARRO shares custody of
8 V.N. with her biological mother.


9 22. On August 22, 2013, law enforcement interviewed a woman with the
10 initials O.N., DAVID MICHAEL NAVARRRO's ex-wife. O.N.'s full name is known to
11 me, but is not included for purposes of this Affidavit. O.N. reported that she and
12 NAVARRO were divorced in 2008 in San Diego, California. According to O.N.,
13 NAVARRO married N.R.N. and received permission from the California courts in
14 November 2011 to move to Belfair, Washington, N.R.N.'s hometown. O.N. followed to
15 be near her children. O.N. reported that NAVARRO and N.R.N. initially lived with
16 N.R.N.'s parents at NAVARRO's in-laws' address. O.N. stated that NAVARRO
17 recently finished building a new home in Belfair, Washington, but stated that she had
18 never seen the home. One of her children told her it was a yellow house.

19 23. Based on my training and experience, and the training and experience of
20 other law enforcement officers with whom I work on a daily basis, I know that iPhones
21 are not manufactured inside the State of Washington, meaning that it had to have traveled
22 in interstate or foreign commerce before arriving in Mason County, Washington.

23 CONCLUSION

24 24. Based on the above facts, I respectfully submit that there is probable cause
25 to believe that DAVID MICHAEL NAVARRO did knowingly and intentionally produce,

1 receive, distribute, and possess child pornography, in violation of Title 18, United States
2 Code, Sections 2251(a), 2252(a)(2), and 2252(a)(4)(B).

3 
4 Lisa O'Reilly, Complainant
5 Special Agent, Federal Bureau of
6 Investigation

7 Based on the Complaint and Affidavit sworn to before me, and subscribed in my
8 presence, the Court hereby finds that there is probable cause to believe the Defendant
9 committed the offenses set forth in the Complaint.

10 Dated this 23rd day of August, 2013.

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12 KAREN L. STROMBOM
13 United States Magistrate Judge
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